IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTIETH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO : 11575 of 1993

Between:

1 Hotel Ratna, Rep.by its Proprietor,Sri K.S.Pai,S/o.K.A.Pai,
R/o.3-3-835/A/2, Kutbiguda, Hyderabad
2 Pai's Anandh Bhavan, Rep.by its Proprietor,Sri K.S.Pai,S/o.K.A.Pai,
R/o.3-3 Balanagar, Hyderabad.
3 Pai's Anandh Bhavan, Rep.by its Proprietor,Sri K.S.Bai,S/o.K.A.Pai,
TDA Jeedmetla
4 Shani's Anand Bhavan, rep.by its Proprietor:K.S.Pai S/o. K.A Pai,
Opp: IDPL.Colony, Hyderabad.

..... PETITIONERS

AND

1 Govt., of A.P., rep,.by its Secretary,
Women development Child Welfare and Labour (Lab. II) Department,
Secretariat, Hyderabad.
2 The State Minimum Wages Advisory Board., rep.by its Chairman,
Andhra Pradesh, Hyderbad.
3 Andhra Pradesh Hotel Workers Union,Regd No. 1917, At 1.9.34/1 Near
Ramanagar Community Hall,
Ramnagar, Hyderabad,
rep.by its Secretary Sri M.K. Bose.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction, particularly one in the nature of Mandamus, declaring G.O.Ms.No.89, Women Development Child Welfare and Labour (II) department, dt.25.5.1991 as wholly illegal, arbitrary and violative of Articles 19(1) (g) and 300-A of the Constitution of India.

WRIT PETITION NO : 20068 of 1994

Between:

Hotel Sanman,Taranaka ,Sec'bad,rep.by it's Partner Sri N.N.Srinivasa Rao,S/o. Sri N.R.Narayana Rao,
R/o. Tarnaka, Sec'bad.

..... PETITIONER

AND

1 State of A.P., Rep. by it's Secretary,
Women Development ,Child Welfare & Labour Dept., Secretariat,
Hyderabad.
2 Commissioner of Labour , A.P., Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or Directions calling for the records relating to G.O.Ms.No.58,Women's Development, Child Walfare and Labour (Labour.II) Department , dt.17.5.1994 on the file of the 1st respondent herein and quash the same.

Counsel for the Petitioner in W.P.No.11575 of 1993: MR.P.V.UMASHANKARA RAO

Counsel for the Respondents: G.P.FOR LABOUR

Counsel for the Petitioner in W.P.No.20068 of 1994:MR.G.RAMACHANDRA RAO

Counsel for the Respondent No.: GP FOR LABOUR

The Court made the following :

COMMON ORDER:

In W.P.No.11575 of 1993, the validity of G.O.Ms.No.89. Women Development, Child Welfare and Labour (Lab.II) Department, dated 25.5.1991, is challenged as being in violation of Articles 19(1)(g) and 300-A of the Constitution of India, and in W.P.No.20068 of 1994, the amendment made to G.O.Ms.No.89, dated 25.5.1991 by G.O.Ms.No.58, dated 17.05.1994 is the subject matter of challenge.

The Government of Andhra Pradesh revised minimum rates of wages relating to employment in Hotels, Restaurants and eating houses in G.O.Ms.No.89 Women Development, Child Welfare and Labour (Lab.II) Department, dated 25.05.1991 and the basic wages were linked at 166 CPI points. This G.O. was published in the gazette on 07.06.1991. In W.P.No.9248 of 1991 and batch, filed challenging the validity of G.O.Ms.No.89, dated 25.05.1991, this Court by judgment dated 29.01.1994, while dismissing the batch of writ petitions, directed the Government to reconsider the mode of computation of the cost of living allowance in accordance with law and to pay the cost of living allowance arrears to the employees on the basis of the average rise in the cost of living allowance number as on the date of publication of the final notifications. In compliance with the judgment of this Court, the Government issued a notification, which was published in the A.P. Gazette dated 07.06.1991, increasing the average wages to CPI points 186. This amendment is the subject matter of challenge in W.P.No.20068 of 1994.

Learned Government Pleader submits that the minimum rates of wages prescribed in G.O.Ms.No.89, dated 25.05.1991 were subsequently revised by the Government,

after calling for objections from affected parties, linking it at 411 CPI points vide G.O.Ms.No.53, dated 17.10.2000, the validity of which was the subject matter of challenge in W.A.No.1036 of 2001, and batch. The Hon'ble Division Bench, by order dated 17.07.2002 dismissed these writ appeals. It is further stated by the learned Government Pleader that the minimum wages prescribed in G.O.Ms.No.53 are also in the process of being revised shortly. In view of the aforesaid submissions of the learned Government Pleader, it is clear that the cause in the writ petition does not survive.

The Writ Petitions are accordingly dismissed. No order as to costs.

_____

(RAMESH RANGANATHAN, J)

Dated:30.06.2005

MRKR

To

1 The Secretary, Govt., of A.P., Women development Child Welfare and Labour (Lab. II) Department,
Secretariat, Hyderabad.
2 The Chairman, State Minimum Wages Advisory Board.,
Andhra Pradesh, Hyderbad.
3 Sri M.K.Bose, Secretary, Andhra Pradesh Hotel Workers Union, Regd No. 1917, At 1.9.34/1 Near Ramanagar Community Hall,

Ramnagar, Hyderabad,

4 The Commissioner of Labour , A.P., Hyderabad.

5 Two C.Cs to the government Pleader for Labour, High Court Buildings, Hyderabad.

6 Two C.D.copies.